

Attorney's Docket No. 006175-030
Application No. 09/929,505
Page 8

REMARKS

Claims 1-20 remain in this application. Claims 1, 11 and 20 are amended. Claims 15, 16, 18 and 19 have been withdrawn from consideration.

Applicant's representative thanks Examiner Kim for the personal interview granted on March 11, 2004. As discussed during the interview, this proposed Amendment and Request for Reconsideration summarizes the issues discussed during the interview so that Examiner Kim can indicate in response whether the proposed amendments and remarks would overcome the prior art of record, and result in the withdrawal of the indication of new matter in the proposed corrections to Fig. 2, upon entry of this Amendment and Request for Reconsideration.

With regard to the proposed amendments to Fig. 2, as presented in the Amendment filed February 10, 2004, Applicant submits that the proposed change to Fig. 2 does not constitute the addition of new matter since the schematic representation of a proportional control valve 53 connected to hydraulic motors 54 and 56 to regulate the amount of hydraulic fluid provided to the hydraulic motors, does not add new matter either by the addition of disclosure to the original specification, or by limiting the disclosure of the original specification.

Claims 1-3, 11 and 20 remain rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 3,780,955 (*Palmer*). Claim 4 remains rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Palmer*. Claims 5-9, 12-14 and 17 remain rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Palmer* in

Attorney's Docket No. 006175-030
Application No. 09/929,505
Page 9

view of U.S. Patent No. 3,559,893 (*Gruben*). Claims 1-14 and 17 remain rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Gruben* in view of *Palmer*.

Amended independent claim 1 is directed to a material spreader having a novel combination of features including each of at least two conveying mechanisms being adapted to be driven in a first direction to convey material to one side of the chassis outboard of the chassis, and in a second direction to convey material to the opposite side of the chassis outboard of the chassis.

Amended independent claim 11 is directed to a method of distributing material from a truck mounted material storage container, with each of at least two lateral conveyors being adapted to be driven in a first direction to convey material to one side of the chassis outboard of the chassis and in a second direction to convey material to the opposite side of the chassis outboard of the chassis.

Amended independent claim 20 is directed to a device for distributing material from a truck, the device including means for moving a first portion of the material in a first lateral direction relative to the material storage container and to one side of the chassis outboard of the chassis and depositing the first portion of the material on a first distributing means; and means for moving a second portion of the material in a second lateral direction different from the first lateral direction relative to the material storage container and to the opposite side of the chassis outboard of the chassis and depositing the second portion of the material on a second distributing means.

As discussed during the interview, the above amendments clarify that two conveying mechanisms are adapted to be driven in a first direction to convey material to

Attorney's Docket No. 006175-030
Application No. 09/929,505
Page 10

one side of the chassis outboard of the chassis, and in a second direction to convey material to the opposite side of the chassis outboard of the chassis. These claimed features are described in the specification at paragraph [0020] and shown in at least Figs. 1B, 2B, 3B and 4B, with the chassis frame being shown in all of these figures and labeled in Fig. 4B. Applicant submits that these claimed features are lacking from *Palmer* and the other applied references. In *Palmer*, even if it is assumed that hydraulic motor 86 is capable of being reversed, as suggested in the Office Action, the device would still not be capable of conveying material to one side of the chassis outboard of the chassis, and to the opposite side of the chassis outboard of the chassis.

For at least the above reasons, and the reasons set forth in the response filed February 10, 2004, Applicant submits that all claims are patentable over *Palmer* and *Gruben*, whether they are considered alone or in combination. Withdrawal of all rejections under 35 U.S.C. §§102 and 103 is therefore respectfully requested.

In view of the allowability of independent claims 1, 11 and 20, for the reasons discussed above, Applicant requests consideration and allowance of non-elected claims 15, 16, 18 and 19 since the non-elected claims include all of the features of allowable generic claims 1 or 11.

Attorney's Docket No. 006175-030
Application No. 09/929,505
Page 11

Prompt issuance of a Notice of Allowance is earnestly solicited. In the event any questions arise regarding this communication or the application in general, please contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: Proposed

By: _____

William O. Trousdale
Registration No. 38,637

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620